CUBA'S TRIBULATIONS.

The Golcouria-Cristo Expedition.

Further Interesting Particulars-Correspondence and General Orders.

How Affairs are Mismanaged-Goicouria's Broken Promises.

Were the secret histories of the various attempts to fit out expeditions in the United States for the relief of the heroic bands of liberty-loving Cubans written by an unblassed pen doubtless some startling narratives of intrigues, jealousles and crimstarting narratives of intrigues, jeanousies and criminal sacrifice of the cause of Cuban independence to personal advancement and enrichment would be laid bare. With the exception of that fitted out by General Jordan and his associates all were characterized by gross mismanagement on the part of more or less of the officers having the work in charge. The particulars of the attempt made by Ryan and

others, under the direction of gentlemen who are styled the Junta Cubana, to reinforce the patriots in the Antilles are still fresh in the public mind, and it does not require a very keen perception to dismand were subjected, and which resulted in commong the leaders, a lack of concert of action and very serious mismanagement. After the last Aasco at Gardiner's Island the friends of Cuba began to

But after the admirable manner in which Louis E. del Cristo, on the 28th ultimo, eluded the vigilance of the federal authorities and put over 400 men at sea hope revived and the Cubans again but forth renewed efforts for strengthening the hands of their brethren in arms. In the HERALD lengthy details of this last expedition have been given exclusively, but there yet remains more to be given, which is derived from our correspondent in the expedition.

As has already been stated in previous accounts

General Domingo de Giocouria, shorily after the fail ure of the Catharine Whiting attempt, was empow-\$150,000 was placed at his disposal. His desire was willing to leave and participate in the fray. They were subsequently called together in a building at the corner of Twelfth street and Third avenue. where his views and intentions were fully explained. The encouragement met with by him led to an order for the recruiting of a force which was subsequently known as the "Battalion de Caza-dores de Batuey," under the command of Colonel L. E. del Cristo. The name of the gentleman who had served with distinction in Mexico, and also as the leader in the popular rising against Spanish tyranny in 1852 in the Vuelta Abijo district, was familiar to all Cubans, and they were inspired with a true minitary spirit. The recruiting became quite brisk, and as the steamers weekly conveyed from Cuba numer

ous refugees the battalion was rapidly filled up. Notwithstanding the instructions given by General Golcourts to enlist none but Cabans and a small detachment of artillery he accepted all men fit for service, irrespective of nationality. Early in September he had the finest organization ever enlisted in this city for foreign service, among whom were several prominent South Americans who had before met the treacherous Spaniaro.

During the progress of enlistment General Golcourta lett for the South and established his headquarters in Atlanta, Ga., with the object of enlisting a remnent of veterans from the Contederate armies, which was considered necessary to oppose the forces of the enemy that might be encountered at the boint of his abstantion and during his march to the interior. If an idea can be formed from the letters of the Commander-in-Chief, he was sangaine of his ability to succeed in his charisted scheme. Having given the details of the cruise of the steamer, it may be of interest to eather more fully into the details and reproduce the general orders issued during it. diately before his departure for the South to recruit the veteran regiment General Golcouria addressed the following letter to Cristo:—

recruit the veteran regiment General Golcouria addressed the following letter to Cristo:

Light and the Collowing letter to Cristo:

Light and the Collowing letter to Cristo:

Experitions are Division, (Experitions are Division), (Experitions are Division), and wishing that the service should not suffer any detriment winstewer, of the force spatial countries and to assume committee the control of the collowing the same of the collowing the control of the collowing the collowing the collowing that the shall take place according to the rerbal orders in the given you, and telters of instructions enclosed in this communication. I expect that you will perform this commission with the same uprightness as you have executed other distout commissions. He watchful that your subordinates full strictly the orders that may be communicated to them. Impressing upon them the importance of the movement they are about to make, and upon which in a great part depends the success of the enterprise we have in your, and on your part from your subordinates. According to General Orders No. I, that I encoses you in this, you shad be the senior in rank, and, assuming this position, you only will be held reponding for what may doout. Page of page of the forces of the forces of the forces of the control works. Angus to, 189.

To Chinea Colonel Locus Encanno Det. Chinyo, Chief of the forces garrisoned in New York and its vicility.

The tollowing is General Order No. I. Instructing Colonel Cristo to assume communications.

The ionowing is General Order No. 1, instructing Colonel Cristo to assume command:—

GENERAL COURSE NO. 1.

LILERAL ARMY OF CUBA, J. EXPEDITIONARY DIVISION, CONTRAL INCOMER.

Absenting myself from this edge, the colonel Louis Education of Cristo in this edge, the commandin chief all the General Colonel Chief in the large, the commandin chief all the men will render obedience to him, either on land or aboard of the reaset in which they may not themselves. They will respect and obey him in all the ordans or commands for the interests of the best service of the country.

By Donking Die GO.COURIA, Commander-in-Chief.

By Donking Die Go.COURIA (Commander-in-Chief.)

pearamoe there also of Golcouria, the following order was issued:—

GENERAL ORDER—NO. I.

Having approached this camp I assume chief command of the expeditionary collection and the expedition of the expeditionary division that departs from Collection of the only of the expeditionary division that departs from Collection of the command of the expeditionary division that departs from Collection of the only of the expeditionary division that departs from Collection of the from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infantity under the command division from the battallon of infant

to me expensionary decision that departs from Cedar Keys to-morrow:—

Note—The expeditionary body shall be composed of one division from the battallon of infantry under the command of Colonei Louis E. del Cristo; one company of artillery under the command of Robert Boshus; another company of artillery under the command of Capitan Mercer; having this force under the immediate command of General samues C. Williams.

Williams.

Scoot—The exploring company under the command of Captain H. C. Puryear; the body of eugineer officers under the orders of Colonel J. H. Keats, and the body composed of individuals that are not attached to any organized eorge of the division will go under the command of Colonel Melvor, who will immediately report to the general commanding the department.

department.

Third—Lieutenant Alberto Goicouria, of the Engineer Corps,
is relieved from the same with the knowledge of the Commander-in-Chief, to operate hereafter as Assistant General

mander in Chief, to operate hereas.
Inspector.
By order of the Commander-in-Chief.
By order of the Commander-in-Chief.
WRIGHT SCHUMBERG, Colonel and Chief of Staff.
Official—To Colonel L. E. CRISTO.

Coionel Cristo, seeing that the Commander-in-Chief had broken fauth with him, at once issued the following general order to his command, taking his farewell with the intention of returning home:—

farewell with the intention of returning home:—

GENERAL ORDER NO. 7.

AUXILIANY BRIDADY, COLONEL-IN-CHIEF.)

Major General Domingo de Golcouria, Commander-in-Chief of the expedition, having arrived he henceforth will assume the command. The batchino Catadores de Hatuey will ramain, until further orders from the Commander-in-Chief, under command of its present commander Colonel Carlos Mayer as yer my general order No. 2, given at headColonel Carlos Mayers as yer my general order No. 2, given at headVOLLWEETES—Before leaving you let me tender my sincere thanks for the abnegation and constancy with which
you have supported the work that has fallen to your size
during the days of misfortune. The chiefs who will isso you
to Cube have been elead by your General-in-Chief, and are
worthy to guide you. I charge you to abserve the same diacipline and, if possible, the same affection towards them that
you have observed towards me. Also, volunteers may God
guide you and lead you on to victory now that I can be more
resize the aspiration of my whole existence. Asion, say 1,

who have been your chief and will always remain your friend.

LUIS L. DEL CRISTO.

HEADQUARTERS IN CRDAR KET, Oct. 3, 1888.

friend. LUIS L DNA CRISTO.

HEADQUARTERS IN CEDAR KET, Oct. 5, 1869.

The promulgation of this order at once demoralized the command, and as they had not yet embarked a mutiny was at once apparent. Generol Cristo was at once restored to his command, and confidence restored. The expedition salled, as already recorded, and encountered no enemy.

Ceneral order No. 3, issued on board the Lillian at sea October 6, 1869, relates to the discipline on board, and cautions the command as to its action in the event of being attacked by a Spanish cruiser.

General orders No. 4 appoints Captain James Ogelvie as chief of ordnance, and Lieutenant William S. Dyer adjustant of ordnance, and Lieutenant William S. Dyer adjustant of ordnance, who will report to Captain Ogelvie.

On the 7th the council of war in which the views of Cristo were approved by the officers, and, with the exception of fourteen, was held, and it was decided to change the destination of the vessel, immediately atter another order was promulgated, again placing General Williams over Cristo. The order reads:—

GENERAL ORDER NO. 5.

order reacts:—

General, onder no. 5.

Expeditionary Livision, Republic of Cona.)

On Board Lithian, Oct. 7, 183.

Having resolved to change the place to which the expedition was bound, the Commander-in-Chief of the Occidental Department orders the organization formed under the following mass.—General Samuel C. Williams will assume the towns of the hattailor of a cartilery that are now under the command of Captanies of artilery that are now under the command of Captanies of Hatney." leaving this latter under the immediate order of the citizen Culonel Louis E. del Cristo, the corps of engineers under the command of Colonel Keats, the exploring company under the command of Colonel Seats, the exploring company of the said department.

The chief of staff of Colonel Cristo was formed under the idea of activities a brigade under his command. The chief of staff of Colonel Cristo was formed under the idea of activities a brigade under his command. The chief of staff of Colonel Cristo was formed under the idea of activities a brigade under his command. The chief of staff of Colonel Cristo was formed under the command of Colonel McIvor's corps of officers not commission of Colonel McIvor's corps of officers not commission.

By order of the Commander-in-Chief.

command to Commander in Chief.

By order of the Commander in Chief.

WRIGHT SCHUMBERG.

WRIGHT schumber and Chief of Staff.

Official Louis Moszjou, Captain and Adjutant.

which is chemised.

which is an additional content of the craise of the list, states that the exploring corps, under captain the provides that the exploring corps, under captain furyear, shall take the advance, followed by a company of artillery, and last, the ministry, to cover the landing of the munitions of war. The point of contemplated landing was maned in this order; but as there is no certainty that the debarkation has been effected it is injudicious to mention it nere.

In this connection it is proper to state that the correspondence purporting to come from Nassau under date of the 18th, published in a morning two cent paper, is entirely unreviable. The writer, under date of the 18th, published in a morning two cent paper, is entirely unreviable. The writer, under date of the 18th, states that the vessel after her release landed her forces near Puente de Carlas. This is simply absord in view of the fact that the Lillian was not recased onthi that day. The graphic account of the cruise of the steamer Feazer is also the magery of a fertile brain, as she did not participate in the expendition, and is likely still lying at her doca in New Orleans. The statement that the Lillian was chased by the United States steamer Lone Star and the Spanish man-of-war Churucho is equally false, as not a vessel of any kind was signated during the entire cruise with the exception of the British brig Amelia.

It is believed that the Lillian by this time has succeeded in kergiorious mission. After her release the only difficulty to be encountered was a lack of fuel, but it was the metantion of the general to proceed to some of the Keys, after taking the men from Rag Key, and cut a sufficiency of wood to enable her to proceed, should the Nassau anthorities reluse to coal her.

It is known that Colonel Cristo is somewhere in

key, and citat summer the proceed, should the Nassau anthorities refuse to coal her.

It is known that Colonel Cristo is somewhere in the city; but, having become hearthy disgusted, he has not conferred with the Junta, and has evidently refired to his privacy to await the proper time to rediress his grievances. His farewell to his command, however, shows that he does not despair of final victory over the Spaniard, and that his near that the right place.

THE CASE OF THE CURA.

Second Day's Proceedings-Continuation of

Second Dny's Proceedings—Continuation of the Examination of James Gordon.

[From the Wilmington (N. C.) Journal, Oct. 23.]

Mr. D. H. Starouck, United States District Attorney for the District of North Carolina, appeared among the counsel for the government.

James Gordon—Did not follow the sea as an occupation: made my living by going to sea; two years since I had gone to sea; had been during this time engaged in dry goods business and for last five months been in detective service.

(Here winnesses for the prosecution and defence were directed to withdraw from the room.)

Witness, resuming, said—I was not a seaman; had followed the sea for three years; was a detective now; can't tell the first trip made at sea; went to Brazil; was in the naval service of the United States a while during the war; was on board of the Enited States Navy Yard in 1865; don't know how old I was then; was discharged; was on her about a month at the receiving ship vermont as "boy;" did not desert; am nineteen now; after I left the Vermont was on the Iroquois; can't say now old I was then; did not desert from the Iroquois; went to the West Indies and Rio in her; was in 1865; stayed in Rio for a year and a half; was seat home sick from Rio; don't know the name of the vessel in which I returned home; this was in 1867; after that was connected with the Brazil mail line; was never at Cape Town; I'd not tell Corporal O'Reily that I had deserted at Cape Town; I did desert from the deserted the made a remark, which he subsequently attempted to deny, about being afraid to trust it to them. The comissioner as showing the feelings of the witness. Counsel thought such manners might do well-nough in New York detectives, but was not regarded as proper conduct for a North Carolina court.)

Witness said he made these marks in New York; was tood by Mr. Davis, chief detective, to mark these coins; Davis dat not tell into the that my testimony would need corroboration; did not know that Mr. Davis

Witness said he made these marks in New York; was told by Mr. Davis, chief detective, to mark these coins; Davis did not tell me that my testimony would need corroboration; did not know that Mr. Davis was employed as a detective by the Spanish government; he was a detective in the United States service. The winness could not or would not reply to the question "Do you charge the United States with working out its justice with the dirty tools of spies and unformers."

ment; he was a detective in the United States service. The winness could not or would not reply to the question "Do you charge the United States with working out its justice with the dirty tools of spies and informers".

Mr. Starouck did not regard the question as proper. The government was obliged to employ detectives, and did so to ferret out counterfeiters, &c. Mr. Davis said if it was a necessity of the times it was one to be deplored. But surely the government was not forced to the necessity to employ men to spy upon and betray their comrades for money. This was not the business of a detective, and he asked the question out of respect to the government, to free it from the implication made by the witness. Judge Person said that the witness had said that Mr. Davis was in the employ of the United States, and the opinion of the witness would be immaterial as to the last question.

Commissioner flutherford thought that the opinion as to what the government did or did not do was of no consequence, and he would not masts upon the witness answering the question.

Gordon—I was employed by Davis, who said he was in the United States service; the schooner Petrel was two miles out when we went on board of her; don't know the coast from the Narrows to No-Man's Land; it was about three miles from Gay Head Light; don't know whether it was north, south, east or west from No-Man's Land; the was done there in the localities or directions there. Didn't know whether it was north, south, east or west from No-Man's Land; the steamer Hornet; distance at sea was very decentive; my impression is that it was about two miles from land to the steamer; it might have been more than three miles, but I don't knik so, this was on the 15th September; after taking the men, arms and supplies from the Petrel the Hornet won insert taken on board and then guns—after that saw smoke of steamer to go nearer shore as it was too rough to discharge carpy; it was shout and shell were first taken on board and then guns—after that saw smoke of steamer

mention and coal, but nothing new was elicited.

A CIRCUS IN THE HANDS OF THE SHERIPP.—Last Thursday, at eleven o'clock, the Sheriff of Hamilton county served a writ of attachment upon the proprietors of Thayer's circus and took possession of the whole property. The writ was issued at the suit of Charty & Rethy, of New York, who had a claim against them for printing, amounting in all to \$2,255. Yesterday the Sheriff took charge of the animals and other property. The wagons were stored and a force of watchmen employed to take care of them. Following the first suit came eight others by employes. Frankin J. Howes brings suit for \$750 for five weeks' services as equestrian manager and for the use of trained horses, as well as for services of his wife as equestrian manager and for the use of trained horses, as well as for services of his wife as equestrianne, for all of which he was to receive \$150 a week; Charles Abbott, the clown, sues for \$250, the balance on account for services at \$70 a week; Frederick A. Dubois sues for \$550, as a balance due on \$1,000 for services as advertising agent from April till October; Joseph H. Neal, gymnastic performer, sues for a balance of \$425, at \$35 per week; Joseph Burdeiux, also a gymnastic performer, at the same pay, sues for a balance of \$250, charles H. Lowry, equestrian, at the same pay, sues for a balance of \$250, charles H. Lowry, equestrian, at the same pay, sues for a balance of \$250, charles H. Lowry, equestrian, at the same pay, sues for a balance of \$250, charles H. Lowry, equestrian, at the same pay, sues for a balance of \$250, charles the receive will be appointed to sell the whole property.—Cincinnati Chronicle, Oct. 23.

The Pragatino of Florence caricatures the receive received to sell the whole property.—Cincinnati Chronicle, Oct. 23.

The Pasquino of Florence caricatures the recent friendly visit of the Prince Royal of Prussia to Vienna by representing the Emperor of Austria and the Prince exchanging uniforms. The Prince seems to get along joily enough with the Austrian uniform, but the Emperor does not exactly seem to like the Prussian helmot.

NEW YORK CITY.

THE COURTS.

UNITED STATES DISTRICT COURT. In Bankruptcy-Important Decision. Before Judge Blatchford.

In the Matter of Samuel Lowenstein and Rosa Lowenstein.—In this case Judge Blatchford has rendered decision as follows:-This is an appeal by the petitioning creditor from the taxation of costs by the register on the dismissal of the petition in a pro-ceeding in involuntary bankruptcy. The items ceeding in involuntary bankruptey. The items allowed and complained of the creditor were all of them properly allowed, except the item of \$1,007 50, for 403 days, at \$2.50 per day, allowed to the late Marshal as expenses of keeping property from November 11, 1867, to December 17, 1868. The item is charged by the late Marshal as expenses. But his suffidavit in regard thereto is defective inasmuch as it only states that such expenses were necessarily incurred by him and are just and reasonable. It ought to state that they have have been actually incurred and pand by him and are just and reasonable. It ought to state that they have have been actually incurred and pand by him and are just and reasonable. The forty-seventh section of the Bankruptey act allows to the Marshal for custody of property his actual and necessary expenses upon returning the same in specific items, and making oath that they have been actually incurred and paid by him and are just and reasonable, the same to be taxed or adjusted by the court, and the oath of the messenger shall not be conclusive as to the necessary of said expenses. By the fee bill of February 20, 1852, the Marshal is allowed the necessary expenses of Keeping property at acided or libelled in Admirally not exceeding \$2.50 per day. The word "expenses" implies an expenditure or payment, and nothing can be allowed as expenses under section forty-seven, which is not shown affirmatively to have been necessary and just and reasonable in amount and to have been actually pa-d. The rule in admirally is that to authorize an allowance for a keeper it must be shown that he was necessarily employed from a prudent precaution in regard to the interests of all ecocerned in the property; that he actually continued in charge of the property proceeded against by the United States, by information as for letted under the linternal Reveaue Isws. The people taxen in the present case, on the taxation before the Repister as to this other actually continued by the United States, by information as for allowed and complained of the creditor were all of them properly allowed, except the item of \$1,007 50,

The Valk Brothers' Habens Corpus Case. In the Matter of the Valk Brothers .- In this case in which Abraham and James Valk, grocers, petitioned to be discharged on habeas corpus from Lud-low street iail, where they are confined by order of a State court, Judge Elatchford has dismissed the writ and remanded the petitioners to the custody of the Sheriff, on the ground that there is little reason to doubt that good cause existed for the action of the State Court in granting the order of arrest.

The Failure in the Far Trade. Before the Register.

In the Matter of David and W. King .- The meet ing for the proof of debts and election of assignees

ing for the proof of decis and election of assignees under this estate had been adjourned in order to effect a compromise with the creditors.

Edwin James, counsel for the bankrupts, announced that the attempts at compromise had infled. Debts to the amount of \$70.000 were proved, and after a warm contest Mr. Hurfuch, a large creditor, was elected assignee.

UNITED STATES CIRCUIT COURT.

Charge of Embezzlement-Non-Appearance the Accused-The Bail Forteited.

Before Judge Benedict.
The United States vs. Nelson B. March.—The fendant, a clerk in the Post Office, was indicted for embezzing letters. The accused did not appear.
Assistant District Attorney Jackson moved the
bail be forfeited, the bondsman, James B. Taylor,
having died. The motion was granted.

The Alleged Bounty Frauds. The United States vs. Mary Magrath.—In this case, in which the defendant was charged with raudulently obtaining pension money since her marriage, Assistant District Attorney Jackson inti-mated to the Court that since her imprisonment in Ludiow Street Jai she had become insane. Judge Benedict referred the matter to the District Attorney to act upon and make the necessary motion before the Court.

HAITED STATES COMMISSIONERS' COURT

Alleged Violation of the Revenue Laws.

Before Commissioner Shields.
The United States vs. John Lynch and Matthew Lynch,-In this case Deputy Collector Puffer testified that on the 23d inst. the defendants removed a quantity of distilled spirits, to wit, five barrels, on which tax had not been paid, to a place other than the dis-tillery warehouse provided by law, in violation of section thirty-six of the act imposing taxes on dis-tilled spirits. The defendants were held under bail in the sum of \$1,000 each to await examination. Arrest of a Lawyer for Non-Payment of Tax.

lawyer and broker at No. 54 William street without paying the special tax, as required by the statute. Heid under \$500 ball to await examination.

Lottery Case.
The United States vs. Levels Lindhall.—The de-The United States vs. Levis Lindhall,—The defendant's brother, John Lindhall, was tried in the United States Circuit Court on Friday, charged with carrying on the business of a lottery dealer without paying the special tax. He was acquitted, his brother, Lewis Lindhall, having testified that the accused was merely a clerk employed in the establishment, receiving tweive and a haif per cent on the sales, and that he (Lewis Lindhall) was the real proprietor. He was accordingly arrested and taken before commissioner Shields, who held him to ball in the sum of \$500 to await examination.

Charge of Smuggling.

Charge of Smuggling.

defendant, who carried on the business of a tobacco dealer, at No. 162 Water street, was charged with smuzgling cigars The affidavit of Thomas R. Toole set forth that during a period from 1st September, 1868, to January, 1869, at sundry times, in this city, the defendant did fraudulently and knowingly import and bring into the United States, and assist in so doing, merchandisc contrary to law, and did receive, conceal and buy, and in some manner facilitate the transportation, conceaiment and sale of such goods, to wit. 20,300 cigars, of the value of \$20,000 after their transportation, knowing the same to nave been imported contrary to law. Charge were also preferred against W. P. Sharkey, keeper of a cigar stand at the Metropolitan Hotel, for smuggling at various times between the 1st of July, 1867, and 1st of January, 1869, about \$,000 cigars; against Schroeder & Bow, tebseco and cigar dealers at 162 Water street, smuggling at various times between the 20th of July, 1869, an aggregate of 20,000 cigars, and against Benjamin T. Knover, of No. 107 Reade street, smuggling at various times between the 20th of July, 1866, and July I, 1865, 16,000 cigars of the value of \$1,800.

The defendants were each held in \$500 bail to await examination on Monday next.

Counterfeiting Tobacco Stamps. set forth that during a period from 1st September,

Counterfeiting Tobacco Stamps. Before Commissiner Osborne.

The United States vs. Volney Wright.—The defendent was arrested on a charge of having in his pos

session counterfeit tobacco stamps sufficient to affix to 30,000 pounds of tobacco, of the value of \$12,000. After examination the defendent was held in \$2,500 ball to await the action of the Grand Jury. SUPREME COURT-SPECIAL TERM.

Unconstitutionality of the Shoriff's Law.

Before Judge Cardozo. Gaskin es. Meck.—This was a motion to compel the purchaser, under the foreclosure sale in this acion, to take title to certain property in this city.

lon, to take title to certain property in this city. Last winter an act was passed entitled "An act to regulate the fees of the Sheriff," and it was provided in the first section that all sales of real estate in the city and county of New York in judicial proceedings, except partition cases, should be made by the Sheriff. In the decree in this case last summer judge Barnard substituted James H. Colemna for the Sheriff as referee to sell. The purchaser refused to take the title, and this was a motion to compel him to do so.

Judge Cardozo decided that the act is unconstitutional, being a local act, containing more than one subject, and he also decided that the purchaser should take the title unless the General Term, to which be has appeared, reverses his decision.

SUPREME COURT-CHAMBERS The Steinway Litigation.

William Steinway and Henry Steinway vs. Ernestine A. Oaks, Anna Sleimoay, Lilian Sleimoay and Clarissa Sleimoay.—The defendants are the widow and infant children of Henry Steinway, Jr., deceased,

who was a member of the firm of Steinway & Sons, plano manufacturers in this city, and the plaintiff is his brother and sole trustee and executor of his entire estate. The other plaintiff, Henry Steinway,

to the iniants' estates.

Judge Cardozo took the papers and reserved his decision. Another Phase of the Eric Railroad War.

Before Judge Cardozo. Before Judge Cardozo.

The Erie Railroad Company vs. Henry J. Raymond and Cateb C. Norvell, &c.—This was a motion to strike certain portions of the answer in the suit on the ground that they are scandalous and irreleon the ground that they are scandalous and irrele-vant, and to make more definite certain other por-tions of the said answer. The portions of the an-swer objected to are those which relate to the taking of money from the company by three directors. The libel complained of was published in the finan-cial columns of the Times of the 28th of April, and contained, as is alleged, a statement to the effect that the money of the company was grabbed up by setting forth a long history of the Eric Railroad war and of the Issue of stock in exchange for converta-ble bonds.

ble bonds.
The defendant, Caleb C. Norvell, by Eaton & Tailor. The defendant, Caleb C. Norvell, by Eaton & Tailor, his attorneys, answers the complaint by averring that this defendant denies the allegation that the plaintiff made the complaint herein, and he avers, on information and belief, that this suit was not instituted by the Eric Railway Company, and has not been authorized or even approved by said company, and that the suit was instituted and is sustained by three men—Jay Gould, James Pisk, Jr., and Frederick A. Lane for by the two former only—who have illegally and by fraud got control of said corporation and assume illegally to act in its name, and who have in its name caused this suit to be instituted, in the hope of silencing criticism of the public press.

tured, in the hope of steering criticals of the purposes.

After an elaborate argument on both sides the Judge took the papers and reserved his decision. For plaintuffs, Field and Sherman; for defendants, Eaton and Tailor,

Samuel Kellinger vs. The Forty-second Street and Grand Street Railroad Company .- The plaintiff owns property in Union square, and alleges that the defendants' track runs too close to it and materially deteriorates its value. He now applies for an injunction to restrain the company from using the track, and claims damages to the extent of \$100,000, Decision reserved.

SUPERIOR COURT-TRIAL TERM-PART I.

The Loss of a Husband Chenply Estimated. Before Chief Justice Barbour.

Hannah Shea, Administratriz, &c., vs. The Man-hattan Hoisting Company.—The husband of the pointing was killed by a hoisting machine, the pro-perty of the defendants, and which had been in use at the time of the accident in the erection of a new building. It was shown on the trial that the death of the man resulted from the carelessness of the ser-vants of defendants in imperfectly fastening the machine. The jury awarded the plaintiff \$3,000 damages.

Interesting Suit on a Life Policy.

Margaret W. Birdsall vs. The New Englar Mutual Life Insurance Company.—This was an action to recover on a policy of insurance for \$10,000. which was effected on the life of husband of the plaintiff. His death was sudden and the defence set up is that he committed suicide. It is claimed by counsel for plaintiff that he died of a fatty heart. The case was commenced yesterday and will pro-bably occupy several days, as a number of eminent physicians have been subpurnaed as witnesses.

SUPERIOR COURT-TRIAL TERM-PART II. The Statute of Frauds-Important to Mer-

C. W. Hankins et al. vs. Abner Baker et al.-This action was brought to recover the sum of \$1,967, being the price of ten casks of Turkish prunes, at 14%c. per pound, sold by the plaintiffs to the defend-ant in August, 1868. This sale was made through a broker, who signed the contract on behalf of the defendants and delivered it to the plaintiffs, receiving from them at the same time the warehouse order for the prunes, which he delivered to the defend-

for the prunes, which he delivered to the defendants.

The defence was, that the contract for the goods being for more than fifty dollars was void under the statute of frands, "not being subscribed by the party to be charged thereby." And also, that there had been no acceptance of the prunes by the defendants. After the plaintiff had closed his case the counsel for the defendants moved to dismiss the complaint on both of the above grounds. The Court decided that the signing of the contract by the broker, who was acting as the agent of the defendants, was sufficient to bind his principal, and also that the delivery and acceptance of the warehouse order was sufficient to transfer the order and place the goods within the power and under the exclusive domninon or the defendants.

The jury, under the direction of the Court, renered a verdict in favor of the plainting for \$2,128, being the whole amount claimed, with interest, to which the Court added an allowance of five per cent.

SUPERIOR COURT-CHAMBERS.

The Board of Supervisors Controversy. Before Judge Jones.

Smith Ety, Jr., Supervisor, vs. R. B. Connolly, Comptroller.—This case, in which Supervisor Ely applied for an injunction to restrain Comptroller Connolly from paying appropriations made by the Board of Supervisors, came up for argument yester-Board of Supervisors, came up for argument yesterday. Mr. Ely, of counsel for complainant, moved
on the case. Corporation Counsel O'Gorman stated
that although he was ready, as he always was in his
cases, yet, as the papers had been but recensly
placed in his hands, and as it was brought up on
an order granted by Judge Fithian, it might better
be brought before that Judge for determination.
Plaintiff's counsel said he had no choice as to
whom it should come before, and by direction of the
Judge it was ordered that the motion should stand
over to Monday next, when Judge Fithian would
preside.

COURT OF OYER AND TERMINER.

Before Judge Ingraham. ber of presentments to the Court, mostly of an unim-portant character. It was given out that the Grand Jury would spend the balance of the day in investi-gating the Wall street gold cases.

COURT CALENDARS—THIS DAY.

OYER AND TERMINER.—SUPREME COURT—CIRCUTT.—
Part 1.—Before Judge Ingraham. Court opens, at haif-past ten A. M.—Nos. 1115, 2011, 1437, 1951, 1061, 1645, 1995, 2025, 2027, 2029, 2031, 2032, 2035, 2037, 2041, 2035, 2045, 2047, 2049, 2051. Part 2.—Before Judge Ingraham. Court opens at haif-past ten A. M.—Nos. 892, 246, 1450, 1544, 1486, 484, 880, 1120, 1434, 1488, 1540, 1516, 1624, 1566, 1570, 1572, 1580, 1198, 498, 564. Supreme Court opens at haif-past ten A. M.—Nos. 257, 290, 129, 462, 453, 208, 292, 293, 120.

SUPREME COURT—CHAMBERS.—Held by Judge Cardozo. Call of calendar eleven A. M.—Nos. 102, 104, 117, 169, 237, 243, 262, 290, 277, 306.
SUPERIOR COURT—THAL TERM.—PART 1.—Before Judge Barbour. Court opens at eleven A. M.—Nos. 106, 1105, 1057, 581, 1203, 1205, 1207, 1213, 1215, 1217, 1219, 1221, 1223, 1225, 1227. Part 2.—Adjourned for the term.

and pants, glazed cap and had a heavy black mus-tache. The body was not recovered. THE WEATHER YESTERDAY.—The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last year, as indicated by the

a building corner of Morris and Greenwich street a building corner of morris and Greenwich streets
yesterday morning Henry O'Neil, aged thirty-five
years, living in Delancey street, fell some fifteen feet
and fractured his skull. He was sent to Bellevue
Hospital in an apparently dying condition.

A WOULD-BE SUICIDE FOILED.—George Schu-

maker, aged eighteen years, a clerk in the drug store No. 479 Second avenue, on Sunday drank pretty freely, was chided by his employer, took it so to heart that he determined to die. Calling to his aid a bottle of laudanum he swallowed it, was put under the stomach pump and lives. FATAL RAILBOAD ACCIDENT .- Matthew Holroyd.

a native of England, thirty-four years of age, died a native of England, direy-four years of age, dear yesterday in Bellevue Hospital from the effect of in-juries received corner of Desbrosses and Green wich streets, by being run over by car 15 of the Ninth ave-nue line. Coroner Flynn was notified to hold an in-quest on the body. A PRISONER BECOMES INSANE, -It having been

A PRISONER ESCOMES INSANE.—It having been represented to Judge Benedict that Mary Magrath, one of the remarried "soldiers' widows," who is charged with fraudulently obtaining pension money since her remarriage, and who is now in Ludiow street jail, has become insane, steps will be taken to have her discharged.

Diep in The Tombs.—John Burke, a man twenty-

nine years of age, was committed to the Tombs on a charge of intoxication, and at an early hour yesterday morning he expired. By request of friends the remains were removed and coroner Flynn noti-ded to hold an inquest. Deceased is said to have lived at No. 7 Eldridge street.

AURORA BORBALIS.—Shortly after the close of the evening twilight on Monday the northern horizon began to be illuminated with the aurora light. At twenty minutes after eight o'clock the oriliant emerald arch extended from the north-northwast to the north-northwast to the north-northwast horizon. The vertex of the arch was directly beneath the north star, its altitude about eight degrees above the horizon, its breadth three degrees. It was the first aurora visible for some weeks past.

THE ACCIDENT TO FIREMAN ROBERTS.-Coroner Rollins was yesterday called to the nouse of Metropolitan Fire Engine Company No. 14, Eighteenth politan Fire Engine Company No. 14, Eighteenth street, between Broadway and Fifth avenue, to hold an inquest over the remains of Thomas Roberts, assistant foroman of the company, who was run over and killed on Sunday evening while ranning to the fire in West Twenty-eighth street. One of the wheels of the engine tender passed over the chest of deceased, fracturing severa of his ribs and causing excessive internal hemorrhage. Owing to sickness in the family of deceased the funeral will take place from the engine house.

A BOAT CONTROVERSY DECIDED,-Yesterday morning an interesting question was decided at the American Institute Fair concerning the relative weight of boats built of paper as compared with those constructed of wood. Two shells, a wooden one, built by Stephen Roberts, and a paper vessel, made by Mr. Waters, were weighed by the committee on boats, with the following result:—The Roberts boat, shell, made of Spanish cedar, 32 feet long and 12 inches wide, weighed 27% pounds. Waters' paper boat, 31 feet 4 inches in length, same breath of beam, weighed 37% pounds. It would seem from this that the advantage, in point of lightness, was ten pounds in favor of the wooden boat, although she was twenty inches longer than the paper shell.

Sulcide By Cutting His Throat.—On the 18th instant Mr. George Selleck, a man sixty-seven years morning an interesting question was decided at the instant Mr. George Selleck, a man sixty-seven years of age, born in Connecticut, while laboring under a emporary aberration of mind, left the house No. 11 temporary aberration of mind, left the house No. 11 VanDame street, where he lived, without the knowledge of his friends, and proceeding to the outhouse, locked the door. Being missed search was made for nim and he was found on his knees with a terrible gash in the throat, which he had indicted with a razor discovered lying on the floor. He told his wile that he cut his throat and could not help it. He lingered till Sunday night, and expired from exhaustion consequent upon the excessive hemorrange. Coroner Keenan held an inquest on the body, and the jury rendered a verdict corresponding with the foregoing facts.

POLICE INTELLIGENCE.

Granthall, better known as "The General," particu Granthall, better known as "The General," particu"ars of whose apprehension for a burglary in Beekman street appeared in the Heratad yesterday, was
brought before Juage Hogan yesterday. Part of the
stolen property (from Battimore) was produced, and
the evidence of the finding of the property taken,
only evidence sufficient for a remand was given,
and the further examination was adjourned to Friday week. The prisoner was liberated on bail.

THEREBY HANGS A TALE.—The young man named

Nelson J. Bradley who was charged with robbin Mrs. Mattie S. Knight, of No. 41 First avenue, of Mrs. Mattie S. Knight, of No. 41 First avenue, of a gold watch and chain, was brought before Judge Dowling, at the Tombs Police Court, yesterday, and on the evidence of Mrs. Knight and detective Tully was remanded to the Tombs until this morning, when a further hearing of the case will be gone into. Mr. C. Spencer appeared for Mrs. Knight and Mr. W. F. Howe for the defendant. If the statement of the counsel may be relied upon the examination of the lady will elicit a startling narrative illustrative of misplaced confidence.

STEALING AT A FIRE.—Two men, named George Montague and John Flaherty, were yesterday ar-Montague and John Flaherty, were yesterday arraigned before Alderman McQuade, at the Yorkville Police Court, charged with stealing two horses belonging to the Dodd Express Company. Officer Brophy, of the Thirty-second precinct, found the men leading two horses on the Kingsbridge road, near 180th street. The horses were afterwards dentified as belonging to the Dodd Express Company, and are supposed to have been stolen during the fire on Sunday night. The evidence was so concusive that the Alderman held both men for trial in default of bail. BURGLARY IN COLUMBIA STREET .- Joseph Strehl.

Burglary in Columbia Street.—Joseph Strehl, of No. 443 East Thirteenth street, yesterday appeared defore Justice Shandley, at Essex Market Police Court, and charged a young man named James Fitzpatrick with having burglariously entered the above named premises, and with having stolen therefrom six bags of rags valued at \$60. Officer Little, of the Seventeenth precinct, stated that he arrested the prisoner and found in his possession the rags, which were identified by Mr. Strehl, and a woman living in the house stated that the prisoner work her up about daylight on Sunday morning, and asked to be allowed to leave some bags in her room. Justice Shandley held the prisoner in default of \$1,000 ball.

Bugglary on Broadway.—Yesterday afternoon.

BURGLARY ON BROADWAY .- Yesterday afternoon etectives Corkey and Reilly, of the Fifteenth pre detectives Corkey and Relly, of the Fifteenth pre-cinct, arraigned three young men before Justice Dodge, at Jefferson Market, upon complaint of Ingersoll & Gunny, 695 Broadway, charged with cutting a corner from one of their side from win-dows, on Saturday night, with a glazier's diamond, and stealing a quantity of gentlemen's furnishing goods valued at \$300. A clerk in a cigar store adjoining fully identified two of the prisoners he having seen them operating on the window the might of the burglary with some black instrument. They were remanded to the station house until this morn-ing, when they will again be arraigned.

A REAL HIGHWAY BORRERY.

A Brother of John Real in Trouble-Highway Robbery in Harlem-Two Bad Character Within the past week the public has been caused

no inconsiderable shock by certain rumors which were floating about as to John Real, the murderer of officer Smedick. The name of Real was in every-body's mouth, and no little consternation was caused by the statement that the convicted murderer was again at large. From recent revelations it seems that the public must be right in thefr fears as to the Real family. Of all the crimes which can be committed against society the Barnard. Court opens at half-past ten A. M.—Nos. 257, 290, 129, 462, 453, 208, 292, 293, 120.

SUPREME COURT—CHAMBERS.—Held by Judge Cardozo. Call of calendar eleven A. M.—Nos. 102, 106, 117, 169, 257, 243, 252, 269. 277, 306.

SUPREMOR COURT—THAL TERM.—Part 1.—Before Judge Barbour. Court opens at eleven A. M.—Nos. 169, 1103, 1057, 551, 1203, 1205, 1207, 1213, 1215, 1217, 1219, 1221, 1223, 1225, 1227. Part 2.—Adjourned for the term.

Marine Court—Trial Term.—Part 1.—Before Judge Gross. Call of calendar at ten A. M.—Nos. 3507, 3917, 4029, 4032, 3954, 3937, 4075, 4076, 4077, 4082, 4085, 4085, 4085, 4085, 4089. Part 2.—Before Judge Gross. Call of calendar at ten A. M.—Nos. 4056, 4084, 4085, 4085, 4087, 4071, 4096, 4099, 4100, 4103, 4104, 4106, 4107, 4113.

CITY INTELLIGENCE.

FATALLY INJURED.—Coroner Rollins was yesterday mortified to hold an inquest at 287 Mott street on the body of Margaret Riley, a woman who died from injuries received by an accidental fall down a flight of stairs on Sunday last.

Drowned.—He was dressed in dark short sack coat from injuries received by an accidental fall down a flight of stairs on Sunday last.

Drowned.—He was dressed in dark short sack coat two men. Both of the prisoners was thomas from the fact that violence to the person is always one of its accompaniments. John Real now lies in a relow's cell, condemned to the person is always one of its accompaniments. John Real now lies in a relow's cell with highway robert. The wilful taking of life must rank first in the calendar of crimes, and that of highway roberts by source of its accompaniments. John Real now lies in a relow's cell to the person is always one of its accompaniments. John Real now lies in a relow's cell to the person is always one of its accompaniments. John Real now lies in a relow's cell to the person is always one of its accompaniments. John Real now lies in a relow's cell to the person is always one of its accompaniments. John Real now lies in a relow's cell to the person is always one of its accompaniments. Joh

defice was so conclusive that neither man could be discharged, but Real was allowed to go at large after his brother-in-law had given ball for his appearance at the Court of General Sessions. Kennedy could not find ball, and remains in durance vite.

MUNICIPAL AFFAIRS.

Board of Aldermen.

Pursuant to adjournment this Board met yester-dayfalternoon, with the President, Alderman Coman, in the chair. A large amount of routine business was transacted and papers of the ordinary character introduced. Among the resolutions introduced was one making the Hariem Evening Times a corporation one making the Hariem Evening Times a corporation newspaper. On motion of Alderman Miller the votces of Mayor Hall on the paving of Fourth and Fifth streets from Bowery to Mangin street with wooden pavement were called up and the resolutions adopted, "notwithstanding the veto objections." Resolutions were adopted directing as follows:—To pave Broome street from Broadway to Hudson street; Thompson street entire length, and Dominick street from Carre to Hudson with Belgian pavement; to pave the streets and roadways around the German Hospital with Fisk concrete pavement; donating \$3,260 to the Colored Orphan Asylum to pay taxes and assessments and for regulating, grading, laying curb and gutter stones and crosswalks, laying gas mains and erecting lamps in several streets up town, and to construct a sewer in Centre Market piace, after which the Board adjourned to meet on Thursday at two P. M.

Board of Assistant Aldermen. The Board met yesterday afternoon, the President, Mr. Monaghan, presiding.

After the reception of a few unimportant papers the "general order" calendar was reached.

FOURTH POLICE PRECINCT.

The Comptroller was directed to purchase the premises adjoining the Fourth Police precinct station house (being No. 11 Oak street), in order to afford additional accommodations for the police force of that precinct, provided the expense does not exceed the sum of \$13,000.

AVENUES AND STREETS TO BE PAVED WITH PATENT WOODEN PAYEMENTS.

The Croton Aqueduct Department was directed to advertise for bid and contract for paving Fifteenth street from Broadway to the Seventh avenue with wooden pavement known as the Stow foundation pavement, provided the expense does not exceed five dollars per square yard.

A resolution was adopted to pave Eleventh street from University place to Sixth avenue and Howard street from Broadway to Mercer street with Seeley's improved patent concrete pavement, under the direction of the Groton Aqueduct Department.

The Board concurred with the Aldermen in adopting resolutions to pave Fourth and Flith streets from the Bowery to Mangin street with Robbins' preserved wooden pavement, notwithstanding the Mayor's voto.

The Croton Aqueduct Department was directed to have Sixteenth street, from First avenue to avenue C paved with Belgian pavement. A resolution was adopted directing that Forty-second street from Madison to Lexington avenue be paved with Nicolson pavement.

DONATIONS.

The Comptroller was directed to make donations to the following churches:

MULLIPARY INTELLIGENCE.

The Inspection of the Seventh Regiment. The inspection of this regiment was held yester-day at Tompkins square, and, as is usually the [case when it turns out, there was a very large crowd of expected to see a fine review were not destined to by companies, and exclusive of two or three

errors, which were more of omission than commission, the review was perfect in every remission, the passing in review was splendidly done, every officer, with one or two exceptions, saluted at the proper time, and the distances were well kept until the march past had ended. In starting, however, the command "March!" was given before the ranks had closed up, and when the regibefore the ranks had closed up, and when the regi-ment wheeled into line at the close of the review several companies lost their distances, leaving very large gaps in the line. It was supposed that the review would have also been done in double time, but, owing to the lateness of the hour at which the inspection began, it was omitted. None of the field or staff officers were mouated. The men had on their knapsacks and overcoats rolled, the equipment of the command being, in fact, all that could have been desired.

knapsacks and overcoats rolled, the equinment of the command being, in fact, all that could have been desired.

The strife between the several companies for the honor of having present the greatest number of men, which had been quite active for weeks previous to the inspection day, resulted in a large turn out; but it was left for the company of captain Allison (company has to bear off the paim. It has on its roll ninety-one members, and had ninety present, the absence being confined to his bed by sickness, it will thus be seen that this company has shown itself, company in the companies of the regiments which have already been inspected, not only the largest company in the Seventh regiment, but the largest in the State militia. It may be that the "crack" company of the Twenty-second, which will be inspected next week, will outstrip it, but that remains to be seen. The company which equalled A company in the aggregate, but not in actual numbers, was Company G. Captain George Moore Smith, it arning out 70 of 71 enrolled members. The other companies inspected as follows:—

B, present 70, absent 22; C, present 56, absent 16; D, present 51, absent 23; E, present 74, absent 18; I, present 52, absent 16; H, present 54, absent 18; I, present 52, absent 16; H, present 54, absent 18; I, present 55, absent 17; K, present 56, absent 18; I, present 50, absent 16; H, present 51, absent 18; I, present 52, absent 16; H, present 54, absent 18; I, present 55, absent 16; H, present 54, absent 18; I, present 55, absent 16; H, present 56, absent 18; I, present 57, absent 18; I, present 58, absent 16; H, present 56, absent 18; I, present 50, absent 16; H, present 54, absent 18; I, present 55, absent 16; H, present 56, absent 18; I, present 56, absent 16; H, present 56, absent 18; I, present 56, absent 16; H, present 56, absent 18; I, present 56, absent 16; H, present 56, absent 18; I, present 56, absent 16; H, present 56, absent 18; I, present 56, absent

The Seventh is, therefore, at the head of the list for numbers of all the regiments that have been inspected up to the present time, and the indications are that it will not be made to change positions with any other command that is yet to be inspected. Colonel Clark has reason to be proud of the regiment which he has the honor to command, and if its appearance yesterday can be taken as a criterion of its future there can be no fear that the Seventh will fall from the high rank it at present occupies in the National Guard as the "crack" corps of the Statemilitia.

militia.

There was one feature of the inspection, however, which did not redound to the discipline of the regiment, and that was the way the men were allowed to smoke and play ball and roam about during the inspection of certain companies. It didn't look well and should not have been permitted.

Inspection of the Eleventh Regiment. This fine regiment, which is under the command This fine regiment, which is under the command of Colonei Lux, and which always makes a good show on inspection day, was inspected yesterday forencon, and presented a very fine appearance. The marching in the review and the keeping of distances might have, however, been improved upon, and several of the officers did not sainte properly. During the inspection the men followed the movements of the inspector as he went along the lines altogether too much. The soldier should keep his eyes to the front during the inspector, and not allow numself to be disturbed by the inspector's movements along the ranks. There were 573 men in line.

Reunion of the Sixth New York Cavalry. or rather the officers of that regiment, took place at Delmonico's tast evening. The few surviving officers Demonice's tast evening. The lew surviving outcome who came back with the command, assemble every year to fight o'er again the battles won and lost by the gallant privates, dead or forgotten. The attendance last night was meagre, but vain-glorious. A board of officers were elected for the ensuing year.

REAL ESTATE SALES.

The following are particulars of auction sales of

y.	MEAL ESTATE SALES.
	The following are particulars of auction sales real estate yesterday.
	HOMESTHAD STATION (MORTHERN RAILROAD OF N. JERREY) PROPERTY. BY JOHNSON AND MILLER. 10t. A. block 10, Paterson mank road, 16x46
	1 lot, 34, block 7, Paterson plank road, 25x88. 2 lots, 38 and 32, block 7, Faterson plank road, 25x40, each.
	5 lots, 19 to 23 and 31, block 17, Paterson plank road and Prospect av, 25 104, each 1 lot, 23, block 7, Paterson plank road and Prospect av,
	9 lots 94 and 95 block 7. Paterson plank road and Pros-
	pect av, 25x86, each. 1 fet, 25, block 7, Paterson plank road and Prospect av, 25x78. 1 lot, 27, block 7, Paterson plank road and Prospect av,
	25:70. 1 lot, 23, block 7, Paterson plank road and Prospect av. 20:60.
3	1 lot, 29, block 7, Paterson plank road and Prospect av, 40x40. 1 gore, 39, block 7, Paterson plank road and Prospect av,
	1 sore, I, block 8, Paterson plank road and Garden st.
ļ	80x83x24. 1 lot, 2, block 8, Paterson plank road and Garden st, 50x
	1 lot, 3, block 8, Paterson plank road and Garden at, 40x 1 lot, 4, block 8, Paterson plank road and Garden at, 31x
	2 lots, 5 and 6, block 8, Paterson plank road and Garden
	st, S0x70, each